

II. REMARKS

A. Status of the Claims

Claims 52-82 were pending in the case at the time of the Office Action, with claims 1-51 having been previously canceled from the case without prejudice or disclaimer. Claims 52, 66, 67, 69, 70-72, 74-76, 81, and 82 have been amended in the Amendment set forth herein. In particular, (1) claim 52 has been amended to recite those targeting ligands set forth in claims 71, 74, and 76, (2) claims 67, 69-72, and 74-76 have been amended to depend from claim 52, (3) claim 66 has been amended to refer to annexin V as the targeting ligand; (4) claim 67 has been amended to refer to colchicine as the targeting ligand; (5) claim 69 has been amended to refer to nitroimidazole as the targeting ligand; (6) claim 70 has been amended to refer to mitomycin as the targeting ligand; (7) claim 72 has been amended to recite the targeting ligands in a Markush group; (8) claim 74 has been amended to only refer to metronidazole as a targeting ligand; and (9) claims 81 and 82 have been amended to be in independent format. Support for the amendments to the claims can be found generally throughout the specification, such as in the claims as originally filed.

In the Office Action dated October 11, 2006, the Examiner indicates that claims 71, 72, 74-78, 81, and 82 are objected to as being dependent upon a rejected base claim. It is noted that each of these claims no longer depends from a rejected base claim.

Claims 55, 68, 73, and 79-80 are newly canceled without prejudice or disclaimer. Applicants plan to pursue the subject matter of these claims in a continuation application. No new claims are added. Therefore, claims 52-54, 56-67, 70-72, 74-78, and 81-82 are currently under consideration.

B. The Rejections Under 35 U.S.C. §103(a) Are Overcome

Claims 52-70, 73, 79, and 80 are rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson *et al.* in view of Sun *et al.* and further in view of McBride *et al.*, Nosco *et al.*, and Linder *et al.* Applicants respectfully traverse.

As set forth above, claim 52 has been amended to include the limitations recited in previous claims 71, 74, and 76 (three claims not at issue in this rejection). In view of the Amendment set forth herein, claims 53-54, 56-67, and 69 depend from claim 52. The remaining claims at issue in this rejection have been canceled without prejudice or disclaimer. Therefore, this rejection is moot.

C. Statement regarding the phrase “bis-aminoethanethiol (BAT) dicarboxylic acid-targeting ligand conjugate”

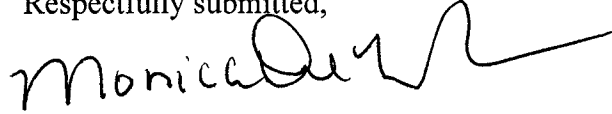
Applicants note that each of the pending claims recites a “radionuclide-labeled bis-aminoethanethiol (BAT) dicarboxylic acid-targeting ligand conjugate.” This phrase is intended to cover conjugates that comprise a targeting ligand conjugated to a BAT having a dicarboxylic acid structure. In preferred (but not all) embodiments, the targeting ligand will be conjugated directly to one or both of the carboxylic acid groups. When the targeting ligand is conjugated to one or both of the carboxylic acid groups of the BAT, such group will cease to be a “carboxylic acid” *per se* – it will be, for example, an ester or amide, *etc.*, depending on the nature of the conjugation reaction. Nevertheless, it is intended that the claim language “bis-aminoethanethiol (BAT) dicarboxylic acid-targeting ligand” covers conjugates wherein the targeting ligand is conjugated to one or both carboxyl groups of the BAT.

D. Conclusion

Applicants believe that the present document is a full and complete response to the Office Action dated October 11, 2006. Applicants submit that, in light of the foregoing remarks, the

present case is in condition for allowance. Should the Examiner have any question, please contact the undersigned below at 512-536-5639.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Monica De La Paz", with a stylized flourish at the end.

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Date: December 11, 2006